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To: Microsoft ATR
Date: 1/23/02 11:41am
Subject: Microsoft Settlement

The proposed Settlement is Bad.

- * The PFJ supposedly makes Microsoft publish its secret APIs, but it defines "API" so narrowly that many important APIs are not covered.
- * The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines "Microsoft Middleware" so narrowly that the next version of Windows might not be covered at all.
- * The PFJ allows users to replace Microsoft Java with a competitor's product -- but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.
- * The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.
- * The PFJ requires Microsoft to release API documentation -- but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.
- * The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.
- * Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.
- * Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.
- * Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system -- even for computers running Linux. (Similar licenses to OEMs were once banned by the 1994 consent decree.)
- * The PFJ as currently written appears to lack an effective enforcement mechanism.

The last two taken together leads me to believe that there will be no change to Microsofts illegal use of its monopoly.

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